

REMARKS

Applicant has amended the claims to correct minor informalities and has provided replacement drawings that respond to the drawing objection on page 2 of the Action. Applicant has also amended the specification correspondingly. By these amendments applicant is deleting original Fig. 6, renumbering Figs. 7 and 8, and providing a new Fig. 6. No new matter has been introduced by these amendments. Withdrawal of the drawing objection is respectfully requested.

Claims 1-6 and 9 stand rejected under 35 USC 103(a) on Lord in view of Andriacchi. The Examiner relies on Lord as teaching the invention of the rejected claims but for the substantially rectangular geometry with the claimed axis ratio, for which the Examiner refers to Andriacchi. This rejection is respectfully traversed.

Although Lord discloses a multitude of ribs, these ribs in the context of Lord's structure as a whole do not satisfy the requirements of the claims regarding the prominence of the ribs. That is, Lord does not disclose ribs so configured that "the boundary of the shaft core cross-section between the two ribs located on the lateral edges [does] not protrude[e] further laterally from the prosthesis than the two ribs located on the lateral edges." Lord does not show lateral edges, as the Examiner concedes in the statement of rejection, and does not appreciate this aspect of the claimed structure. Andriacchi does not disclose ribs at all, so combining Lord and Andriacchi, even in hindsight, would not meet this element of the invention. This is not a distinction without a difference, since employing applicant's structure, as explained at page 2, lines 8-39, of the specification, allows the ribs to guide the stem of the prosthesis during insertion and to prevent undesired rotation, while the ribs disclosed in Lord are too many in number and too close together to achieve this advantage.

The Examiner also argues that Lord discloses a shaft having "a medial side whose height increases from a proximal portion of the shaft to a distal end portion of the shaft," as recited in claim 1. Applicant respectfully disagrees. The passage in Lord on which the Examiner relies for this teaching, col. 5, lines 34-38, discloses nothing relevant to this limitation, saying only that

“the transverse dimension of a spline hollow [i.e., the area between adjacent ribs,] in the vicinity of [distal] end 4 is for example 1.5 mm while it is 1.3 mm in the vicinity of the [proximal] end 3.” In other words, Lord says nothing about height; it instead discusses, in the passage relied on by the Examiner, the *widths* of the spaces between adjacent ribs. Third, the Examiner cites Lord for disclosing a substantially rectangular cross section at a distance of 1 cm from the distal end portion. Applicant is at a loss to see where Lord contains this disclosure, since Lord discloses no rectangular (or “substantially” rectangular) cross sections at all.

Since Lord does not provide the teachings for which it is cited, and because Andriacchi is not relevant to achieving applicant’s structure, this rejection should be withdrawn.

Claims 7, 8, 10 and 11 stand rejected under 35 USC 103(a) on Lord in view of Andriacchi and Cheal. Since Lord and Andriacchi do not provide the teachings for which they are cited in this rejection, this rejection should be withdrawn.

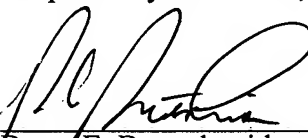
Early action allowing claims 1-11 is solicited.

In the event that the transmittal letter is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 246472008200.

Respectfully submitted,

Dated: May 23, 2007

By:


Barry E. Bretschneider
Registration No. 28,055

Morrison & Foerster LLP
1650 Tysons Boulevard, Suite 400
McLean, Virginia 22102
Telephone: (703) 760-7743
Facsimile: (703) 760-7777